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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,008	03/11/2004	Tomomi Okamoto	520.36852CC7	3897

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EXAMINER

CHEN, TIANJIE

ART UNIT PAPER NUMBER

2627

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/797,008

Applicant(s)

OKAMOTO ET AL.

Examiner

Tianjie Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Final Rejection

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al (US 5,715,233) in view of Takahashi (US 5,084,861).

Claim 1, Yoshida et al shows in Fig. 1 a disk cartridge 130 incorporating a disk-shaped recording medium 31 and having an opening portion 25 for carrying out a recording and/or reproducing operation by a recording and/or reproducing device; the opening portion being closable so that the disk-shaped recording medium is shielded from outside by a shutter 26 (Column 9, line 25) arranged at the disk cartridge when the disk cartridge is outside of the recording and/or reproducing device, and when the disk cartridge is inside of the recording and/or reproducing device, the shutter is moved to a position where the opening portion is open so that the recording and/or reproducing device can carry out the reproducing or recording operation from or to the disk-shaped recording medium; and a disk holder 3 being arranged at the disk cartridge for holding the disk-shaped recording medium 31, the disk holder being configured so as to be mountable to a disk cartridge main body 2 along with the disk-shaped recording medium and detachable from the disk cartridge main body outside of the disk cartridge so that the disk holder holds the disk-shaped recording medium

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independent of any orientation of the disk holder and the disk-shaped recording medium when the disk holder is detached outside of the disk cartridge; wherein the disk holder holds information in respect of the disk-shaped recording medium, the information being presented by a recessed portion 32 which is formed in a portion of the disk holder 3 (Column 9, lines 45-53).

Yoshida et al does not show that the disk holder includes a pair of resilient and deformable holding members, which engage an outer periphery of the disk-shaped recording medium.

Takahashi shows a disk holder in Fig. 1, which includes a pair of resilient and deformable 25 on 27 holding members. Holding members 25 are made of silicone rubber (Column 5, lines 2-3), which is deformable and resilient, and engage an outer periphery of the disk-shaped recording medium (Fig. 1) Takahashi teaches that these silicone holding members have high shock absorbing effect and would support the disk stably (Column 2, lines 49-55). One of ordinary skill would have been motivated to apply these holding members into Yoshida et al's device for better supporting the disk.

Claim 5, in above constructed device, the pair of resilient and deformable disk holding members engage the outer periphery of the disk-shaped recording medium when the disk holder is detached outside of the disk cartridge.

2. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al in view of Takahashi as applied to claim 1, further in view of Haruna (US 5,048,008).

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Claims 2-4; Haruna shows a holder, wherein the information about the contents recorded on the disk are written on the label located at recessed portion 104 on the lower half, on the label the contents recorded on the disk are written (Fig. 4, column 6, lines 32-35). It is also well known in the art that at the time the invention was made such a label is commonly used in such a holder. One of ordinary skill in the art would have been expected to add this label on Yoshida et al and Takahashi's holder for carrying information.

In thus constructed device, the information is positioned on a bottom surface of the recessed portion formed in the portion of the disk holder (Claim 2); the information is positioned in the recessed portion, which can be used to distinguish the top and bottom face, i.e. includes at least information indicative of a side face of the disk-shaped recording medium incorporated in the disk cartridge (Claim 3); and the information is positioned in the recessed portion and includes at least information indicative of content of the disk-shaped recording medium incorporated in the disk cartridge (Claim 4).

Response to Arguments

2. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the features recited above) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is 571-272-7570. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TIANJIE CHEN
PRIMARY EXAMINER